

REMARKS/ARGUMENTS

In an Office Action dated August 6, 2004, all Claims 1-29 were rejected under 35 USC §112 for being "generally narrative and indefinite, failing to conform with current U.S. practice." The Examiner explained as follows:

For example, claims 1 recites "storing in memory an association between *a version (hereinafter "current version")* of a component of the product and *a time (hereinafter "future tick")* ...; identifying *a version (hereinafter "release version")*; claim 4 recites "on passage of *said future tick (hereinafter "past tick")*". These types claimed limitations in the claims renders the claim language confusing, vague and indefinite. Since the claim language is vague and indefinite, no prior art rejections can be applied in this office action.

Applicants respectfully submit that there is no requirement in the law for claims "to conform with current US practice" as stated by the Examiner. Specifically, "current US practice" for claim language is not set forth in any statute or rule. And the Examiner has not cited any authority in support of the rejection.

Moreover, the originally-filed claims are believed to be not indefinite under 35 USC §112 because language, which the Examiner may find more appropriate, is easily obtained, for example, by replacing "current version" with "first version" etc. Hence, the claims are amended as shown above, not because there is any defect, but simply so that the Examiner is more comfortable in preparing the next office action based on prior art.

Support for Claim 1 is found throughout the originally-filed application, including, for example page 10 line 19 to page 11 line 2. Similarly, support for Claim 4 is also found throughout the originally-filed application, including, for example page 34 line 18 to page 35 line 5. The Examiner is requested to review all claims in view of the specification.

Applicants note that the language in originally-filed claims was closer to plain English. Applicants have amended the claims in form but not in substance. Limitations that were formerly inherent have been now made explicit by this amendment. As there is no change in the scope of these claims, there is no loss of Doctrine of Equivalence by this

amendment. If the Examiner believes there is a change in scope, then the Examiner is respectfully requested to explain the reasons for their belief in the next Office Action.

Should the Examiner find any issues that prevent the Examiner from applying prior art to the claims as amended, the Examiner is respectfully requested to conduct an **Examiner Interview** by calling the undersigned at (408) 982-8200, ext. 3. At the Examiner Interview, Applicants will discuss any additional claim amendments (to be made by Examiner Amendment), if necessary for this application to proceed to prosecution on the merits.

**Via Express Mail Label No.
ER 205 700 075 US**

Respectfully submitted,



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